

Wisconsin Department of Regulation & Licensing

Mail To: P.O. Box 8935
Madison, WI 53708-8935

FAX #: (608) 261-7083
Phone #: (608) 266-2112

1400 E. Washington Avenue
Madison, WI 53703
E-Mail: web@drl.state.wi.us
Website: <http://www.drl.state.wi.us>

APPLICATION INFORMATION FORM

ATTENTION

IMPORTANT INFORMATION PLEASE READ

Enclosed is the application packet you recently requested from the Wisconsin Department of Regulation and Licensing.

To avoid any unnecessary errors, take a moment to review the entire application packet before you begin to complete your application.

We will mail you a check sheet within 10-15 working days after receipt of your application in this office. The check sheet will include an identification number that allows you to check the status of your application by calling the **Interactive Voice Response System, (608) 261-7925**. The Interactive Voice Response System will inform you of any requirements not met. You may also check the status of your application on our web-site: <http://www.drl.state.wi.us>. Look under "Applicant Services."

It is your obligation as an applicant to see that the items listed as "Is Required" are forwarded to the Department of Regulation and Licensing. The Department will not contact other agencies or jurisdictions for information/documents to complete your application. We will update check sheets within 3-5 working days of receipt of documents. An application is not considered complete until we receive all the required documents and fees.

Once your application is complete, check the department's web-site: <http://www.drl.state.wi.us>. Look under "Business/Professional License Lookup" for your official credential number and grant date.

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SCHOOL OF BARBERING AND COSMETOLOGY, AESTHETICS, ELECTROLOGY OR MANICURING APPLICATION INFORMATION

This information and application (Form #1395) is being sent for issuance of your credential to operate a school of barbering and cosmetology, aesthetics, manicuring or electrology. The fee for each type of school is listed below. School credentials are required to be renewed biennially. A credential is valid from July 1, odd-numbered year to June 30, odd-numbered year.

The application should be submitted to the Bureau of Business and Design Professions at least 45 business days prior to the anticipated opening date. If your school does not meet the state requirements or does not have appropriate equipment and supplies when inspected, you may be subject to a forfeiture or disciplinary action against your license.

INITIAL SCHOOL CREDENTIAL FEES: \$53.00

Schools of barbering and cosmetology, aesthetics, electrology, and manicuring

SCHOOL CREDENTIAL RENEWAL FEES:

Barbering and cosmetology school:	\$138.00
Aesthetics school:	\$115.00
Electrology school:	\$ 71.00
Manicuring school:	\$118.00

The APPLICATION FOR AN INITIAL CREDENTIAL (sec. RL 61.03, Wis. Admin. Code) shall contain all of the following information:

1. The names and address of all owner. If the owner is a corporation, a copy of the articles of incorporation and most recent annual report filed with the secretary of state, together with a list of the names and addresses of the incorporators, officers, directors, and shareholders of the corporation shall be submitted. No identification is required of any shareholder owning or controlling fewer than 10% of the shares of the corporation. If the owner is a partnership, the names and address of all partners and a copy of the partnership agreement.
2. A statement that a certified public accountant has completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement, and that a copy of those statements will be made available for inspection by the department on request at any time.

The department may require an audit of the finances of a school, at the applicant's expense, if the licensing application contains information which reasonably gives rise to concern that the school is not financially sound or is not otherwise stable.

Wisconsin Department of Regulation & Licensing

3. A detailed floor plan of the premises to be used by the school which identifies the site of the school and includes a description of fixtures and equipment.
4. A list of the names and addresses of all schools of any description whatsoever currently or previously owned or operated by any of the owners of the school applying for licensure. If the owner of the school applying for licensure is a corporation or partnership, a list of the names and addresses of all schools of any description whatsoever which are currently or were previously owned or operated by any of the incorporators, officers, directors, or shareholders of the corporation or partner. No report is required for any shareholder owning or controlling fewer than 10% of the shares of the corporation.
5. For every school required to be listed by item 4, a detailed statement with all pertinent details indicating:
 - a. Whether the school was ever denied accreditation by any accrediting agency;
 - b. Whether the school was ever denied a license or had a license suspended, limited, restricted, or revoked;
 - c. Whether the school was ever subject to any form of receivership; and,
 - d. Whether the school was ever the subject of or named in any lawsuit alleging fraud, misrepresentation or violation of law.
6. A copy of the printer's proof of the catalog or bulletin described in sec. RL 62.01, Wis. Admin. Code.
7. A copy of any contract form used by the school or which the school intends to use in enrolling student.
8. A list of the names and applicable license or certificate numbers of the instructors hired to provide practical and theory instruction to its student.
9. The number of students anticipated to be enrolled during the license period.

ANTICIPATED ENROLLMENT

AMOUNT OF SURETY BOND

0 - 50 Students or Enrollees	\$25,000
51 - 100 Students or Enrollees	\$40,000
Over 100 Students or Enrollees	\$50,000

10. The name and Wisconsin address of a designated agent upon whom any process, notice, demand or other document may be served.

The completed application must be submitted to the department with the credential fee, detailed floor plan, proof of surety bonding, copy of the student contract, copy of the school catalog, and copy of the curriculum. No application will be reviewed unless all required items have been submitted.

Prior to advertising or beginning instruction a school must have a license issued by the department. All schools must supply the tools, supplies and equipment necessary to train students in all subjects required by Chapter BC 5, Wis. Admin. Code.

Wisconsin Department of Regulation & Licensing

APPLICATION REQUIREMENTS FOR LICENSE RENEWAL (sec. RL 61.04, Wis. Admin. Code)

1. Application for the renewal of a license for a school or specialty school shall be filed on or before the expiration date. The department shall grant or deny the application for license renewal within 45 business days following receipt of the application.
2. A renewal application shall be filed together with the fee required by sec. 440.08, Stats., and shall contain the following information:
 - (a) All the information required for an initial license under sec. RL 61.03, Wis. Admin. Code;
 - (b) A copy of every advertisement used by the school or specialty school in the 12 months preceding the date of the application for license renewal, including the script for every radio or television advertisement;
 - (c) The number of students currently enrolled in the school or specialty school and the number anticipated to be enrolled during the license period; and,
 - (d) A statement that a certified public accountant has completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement, for the school or specialty school, and that the report is on file at the school or specialty school and will be available for inspection by the department on request at any time during regular business hour. The department may require an audit of the finances of a school or specialty school, at the applicant's request, if the licensing application contains information which reasonably gives rise to concerns that the school or specialty school is not financially sound or is not otherwise stable.

APPLICATION REQUIREMENTS FOR REINSTATEMENT OF AN EXPIRED LICENSE (Sec. RL 61.05, Wis. Admin. Code)

To apply for reinstatement of a license expired for one year or longer, the owner of a school or specialty school shall file an application for an initial license. To apply for reinstatement of a license expired for less than one year, the owner of a school or specialty school shall file an application for renewal, as required by sec. RL 61.04, Wis. Admin. Code, together with the application fee and late fee required by sec. 440.08, Stats. The department shall grant or deny the application for reinstatement within 45 business days of receiving the application. The application shall include the following additional material:

- (1) The dates on which any form of instruction was provided to students at the school or specialty school applying for license reinstatement during the period following the expiration of the license to the time the application for reinstatement is filed.
- (2) The names and address of the instructors who provided any instruction to any student at the school or specialty school during the period following expiration of the license, the names and addresses of the students in attendance during the period following expiration of the license, and the number of hours of training in each topic each named student received during the period following expiration of the license.

If you have any questions please call the Division of Business Licensure and Regulation at (608) 266-5511.

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DIVISION OF BUSINESS LICENSURE AND REGULATION

NOTIFICATION OF CHANGE OF OWNERSHIP AND APPLICATION FOR INITIAL & RENEWAL SCHOOL CREDENTIAL

This application must be notarized and returned with the appropriate fee. Please make check or money order payable to the Department of Regulation and Licensing.

1. Indicate the type of school applying for:

☐ BARBERING AND COSMETOLOGY
☐ MANICURING

☐ ELECTROLOGY
☐ AESTHETICS

2. Provide the name and address of the school:

Proposed Opening Date:

Effective Date of Change of Ownership:

TELEPHONE NUMBER: () _____

3. Provide the names of all owners. Provide the name of the corporation or partnership, if applicable. For additional space, please attach an additional sheet.

Ownership Name: _____

If the owner is a corporation, a copy of the articles of incorporation, and most recent annual report filed with the secretary of state, together with a list of names and addresses of the incorporators, officers, directors, and shareholders of the corporation shall be submitted. No identification is required of any shareholder owning or controlling fewer than 10% of the shares of the corporation. If the owner is a partnership, the names and addresses of all partners and a copy of the partnership agreement shall be submitted.

4. Provide the name and Wisconsin address of a designated agent upon whom any process, notice, demand or other document may be served:

For Receipting Use Only

Wisconsin Department of Regulation & Licensing

5. Provide a list of the names and addresses of all schools of any description whatsoever currently or previously owned or operated by any of the owners of the school applying for licensure. If the owner of the school is a corporation or partnership, a list of the names and addresses of all schools of any description whatsoever which are currently or were previously owned or operated by any of the incorporators, officers, directors, or shareholders of the corporation or partners. No report is required for any shareholder owning or controlling fewer than 10% of the shares of the corporation.

For every school required to be listed, attach a detailed statement with all pertinent details indicating:

Whether the school was ever denied accreditation by any accrediting agency;
Whether the school was ever denied a license or had a license suspended, limited, restricted or revoked;
Whether the school was ever subject to any form of receivership; and,
Whether the school ever the subject of or named in any lawsuit alleging fraud, misrepresentation or violation of law?

6. Provide the name and address of company issuing surety bond and the amount of the bond. Please submit a current surety bond.

Amount of surety bond: \$ _____

7. If applying for the initial credential, please indicate the number of students anticipated during the license period:

If applying for the renewal of the credential, please indicate the number of students currently enrolled and the number anticipated to be enrolled during the license period: _____

8. Names and credential numbers of all instructors hired by the school to provide practical and theory instruction: (attach additional sheet if necessary)

NAME _____ CREDENTIAL NUMBER _____

NAME _____ CREDENTIAL NUMBER _____

NAME _____ CREDENTIAL NUMBER _____

9. Has a certified public accountant completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement? YES NO
☐ ☐

Are copies of the statements on file at the school and available for inspection upon request by the department? ☐ ☐

Wisconsin Department of Regulation & Licensing

10. For initial credential, please verify by checking each item below that the school is in compliance and that you have submitted the following documents:

_____ A detailed floor plan of the premises to be used by the school which identifies the site of the school and includes a description of fixtures and equipment.
_____ A copy of the school catalog and the completed REQUIRED CONTENTS FOR SCHOOL CATALOGS (Form #2037).
_____ A copy of the student contract and the completed REQUIRED CONTENTS FOR STUDENT CONTRACTS (Form #2036).
_____ A copy of the partnership agreement, if owned as a partnership.
_____ A copy of the articles of incorporation and most recent annual report filed with the secretary of state, if owned as a corporation.
_____ A copy of the curriculum which satisfies the course of instruction requirements of Ch. BC 5, Wis. Admin. Code.
_____ A copy of current surety bond.

11. For renewal of credential, please verify by checking each item below that the school is in compliance and that you have submitted the following documents:

_____ A detailed floor plan of the premises to be used by the school which identifies the site of the school and includes a description of fixtures and equipment.
_____ A copy of the school catalog and the completed REQUIRED CONTENTS FOR SCHOOL CATALOGS (Form #2037).
_____ A copy of the student contract and the completed REQUIRED CONTENTS FOR STUDENT CONTRACTS (Form #2036).
_____ A copy of the partnership agreement, if owned as a partnership.
_____ A copy of the articles of incorporation and most recent annual report filed with the secretary of state, if owned as a corporation.
_____ A copy of every advertisement used by the school in the 12 months preceding the date of the application for license renewal, including the script for every radio or television advertisement.
_____ If the curriculum has changed since application for initial credential, please submit a copy to verify compliance with Ch. BC 5, Wis. Admin. Code.
_____ A copy of current surety bond.

12. For change of ownership, a copy for the surety bond required by s. 440.62(2)(a), Stats., MUST accompany this application.

Verify by checking that each item below is in compliance. If there have been changes in any of the items, please submit a copy along with this application.

_____ Detailed floor plan of the premises.
_____ School catalog (complete Form #2037 if changed).
_____ Student contract (complete Form #2036 if changed).
_____ Copy of the partnership agreement, if owned as a partnership.
_____ Copy of the articles of incorporation and most recent annual report filed with the secretary of state, if owned as a corporation.
_____ Curriculum is in compliance with Ch. BC 5, Wis. Admin Code

13. AFFIDAVIT. I, _____, state that all statements contained in this application are true in every respect. I understand that a false statement (sec. 946.32, Stats.) made in connection with this application will be grounds for denial or revocation of the school credential.

Signature of Owner

Date

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ADDENDUM TO APPLICATION

SOCIAL SECURITY NUMBER. Your social security number (or employer identification number if you are applying as a business entity) must be submitted with your application on this form. If you do not have a social security number you must submit a statement under oath or affirmation. If your social security number or a statement is not provided, your application will be denied.¹ A form for submitting a statement that you do not have a social security number is available from the department.

(Please Print)

First Name

Middle Initial

Last Name

			-			-				
--	--	--	---	--	--	---	--	--	--	--

Social Security Number or FEIN

Date of Birth

Type of Credential (license, permit, certificate)

The Department may not disclose the social security number collected above except to the Department of Workforce Development for purposes of administering the child and spousal support program,² to the Department of Revenue for the purpose of determining whether you are liable for delinquent taxes,³ and to the federal Healthcare Integrity and Protection Data Bank for the purpose of reporting adverse actions against health care practitioners.⁴

INFORMATION AVAILABLE TO THE PUBLIC - NONDISCLOSURE OF CERTAIN PERSONAL INFORMATION

☐

Your name, credential number, address, status and other credentialing information are available to the public. However, you may check this box to declare that your name and address not be disclosed on any list of ten or more individuals that the department furnishes to another person.⁵

DELINQUENT STATE TAXES; DELINQUENT SUPPORT

All applications for professional credentials are checked to determine whether the applicant is liable for delinquent state taxes. Under state law, the department must deny your application if you are liable for delinquent Wisconsin taxes.⁶ If you are liable for delinquent state taxes, pay the delinquent amount before the application process is completed. Retain proof that you have satisfied the tax delinquency. If you have any questions about payment of delinquent taxes, please contact your nearest Department of Revenue office or call (608) 261-6249. An application may be denied or a credential suspended if an applicant or credential holder is delinquent in paying support or fails to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency related to support or paternity proceedings.²

#2380 (Rev. 04/03)

¹ Section 440.03 (11m), Wis. Stats.

² Sections 49.22, and 440.13, Wis. Stats.

³ Section 440.12, Wis. Stats.

⁴ Health Insurance Portability and Accountability Act (HIPAA) of 1996

⁵ Section 440.14, Wis. Stats.

⁶ Section 440.12, Wis. Stats.

This form is authorized by secs. 440.12 and 440.14, Wis. Stats. Making a false statement in connection with this application may result in revocation or denial.

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CONVICTIONS AND PENDING CHARGES

If you have been convicted of a crime or have criminal charges pending against you, complete this form and return it with your application. Include a \$6.00 Crime Information Bureau report fee in addition to your original application fees.

The Fair Employment Act (sections 111.31-111.395, Wis. Stats.) prohibits employment discrimination on the basis of conviction record or arrest record unless the circumstances of the conviction or arrest substantially relate to the circumstances of the particular job or licensed activity. The information requested on this form will be used to determine whether your application should be granted, approved with limitations, or denied. The information you provide on this form may be verified against criminal information records. Omission of information on this form will be considered a false statement on an application.

Profession you are applying for: _____

Last Name	First Name	MI	Former / Maiden Name(s)
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Your Street Address (number, street, city, state, zip)

Mail To Address (if different)

Date of Birth ____ month ____ day ____ year	Social Security Number ____-____-____ <small>Information helps us identify your record, but is voluntary. It is not available to the public.</small>
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Ethnic/gender information is required to check criminal information records. Sex: ☐ M ☐ F Ethnic: ☐ White, not of Hispanic origin ☐ Black, not of Hispanic origin ☐ Hispanic ☐ American Indian or Alaskan ☐ Asian or Pacific Islander ☐ Other

- List all other names used: _____
- List all felonies, misdemeanors, and other violations of state or federal law of which you have ever been convicted, in this state or any other, whether the conviction resulted from a plea of no contest or a guilty plea or verdict. For each, list the date and location of the conviction. Please include all convictions that involved alcohol or other drug use, including convictions for operating while intoxicated. Do not include municipal ordinance violations or other traffic offenses.

It is your responsibility to submit certified copies of the police report or criminal complaint, judgment of conviction and sentencing, and verification of your compliance with all terms of each sentence, including chemical dependency assessments if ordered by the court. If the conviction is old and records have been destroyed, you must submit a written description of each offense, along with an explanation of the penalties imposed and verification that you completed all requirements.

<u>OFFENSE</u>	<u>DATE</u>	<u>CITY/STATE</u>

Attach additional sheet(s) if necessary.

Wisconsin Department of Regulation & Licensing

3. Have you ever been sentenced by a court to participate in an alcohol or other drug assessment, treatment or counseling program? YES NO MO/YR COMPLETED
☐ ☐ _____
Did you successfully complete the program? ☐ ☐ _____
Please attach the certificate of completion/discharge summary.

- (Check all that apply)
4. Have you ever been sentenced to: YES NO MO/YR COMPLETED
☐ Probation ☐ ☐ _____
☐ Parole ☐ ☐ _____
☐ Ordered to pay restitution ☐ ☐ _____
Did you successfully complete one of the above as ordered by the court? ☐ ☐ _____

If you are currently on probation or parole, you must request your probation/parole officer to send a letter describing your current probation/parole requirements and your compliance with supervision.

5. List all felonies, misdemeanors, or other violations of state or federal law for which you have been arrested and which are **pending**. Submit a copy of the police report/criminal complaint for each of the following pending charges.

<u>PENDING CHARGE</u>	<u>DATE OF ARREST</u>	<u>LOCATION OF ARREST (city/state)</u>
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Comments you wish to make regarding your convictions or pending charges. Attach another sheet if necessary.

AFFIDAVIT OF APPLICANT

I state that I am the person referred to in this document and that all the information which I provided above is true in every respect. I understand that false or forged statements made in this document in connection with my application for a credential, or failing to provide relevant information, may be grounds for denial of the application, revocation of the credential granted to me, or criminal prosecution. This document must be signed before a notary public.

Signature

State of _____ County of _____

Signed and sworn before me this _____ day of _____, 20 _____ by _____
(applicant's name)

Signature of Notary Public

My commission (is permanent) _____ expires _____.

SEAL

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DIVISION OF BUSINESS LICENSURE AND REGULATION

BARBERING & COSMETOLOGY SCHOOLS & SPECIALTY SCHOOLS

REQUIRED CONTENTS FOR STUDENT CONTRACTS

Listed below are the content requirements for the contract between a barbering and cosmetology school or specialty school and a student as stated in sec. RL 62.02, Wis. Admin. Code.

Please submit two copies of the student contract. Write the **number** of each requirement listed below on one contract to indicate its location. You must use the corresponding number on the contract; any other markings are not acceptable.

Initial on this form each requirement as stated to verify its inclusion in the contract.

- ___ (1) Complete identifying information of both the school or specialty school and the student, including the address of the school or specialty school location and its administrative offices; and the name, local address and permanent address of the student. Other identifying information may be included.
- ___ (2) A statement of the total cost and the unit costs of the contract for which the student will be responsible, including tuition, all fees, and the charges for books, materials and equipment.
- ___ (3) A detailed statement of obligations of the school or specialty school to the student.
- ___ (4) A clear reference identifying the specific edition of the school's or specialty school's catalog or bulletin which was given to the student to provide the student with information about the school or specialty school prior to entering into the contract with the school or specialty school.
- ___ (5) The anticipated starting and ending dates for the student's course of instruction.
- ___ (6) A clear statement of the educational requirements for licensing in sec. 454.06, Stats., and any requirements for graduation from the school or specialty school which exceed the requirements for eligibility to take the state licensing examination, and whether graduation from the school or specialty school is required before the student will be allowed to take the state licensing examination.
- ___ (7) A clear, simple description of the rules, policies, regulations and laws governing the rights and responsibilities of the school or specialty school and the student or enrollee in regard to any loans, financial aid, or credit extended to or on behalf of the student or enrollee by or through the school or specialty school. To the extent the details are known at the time the contract is signed, the

Wisconsin Department of Regulation & Licensing

description shall include the details of the amount of any loan, financial aid, or credit extended to or on behalf of the student or enrollee by or through the school or specialty school, and the nominal and effective interest rate, the payment terms, the default provisions, and the defenses to default, which are or may be applicable to the loan, financial aid or credit extended. When any details of an enrollee's financial aid package are not known at the time the contract is signed, the contract shall identify those details which remain to be determined, and what effect, if any, the final determination of those details will have on the enrollee's contract.

- ___ (8) A clear statement of the refund policy used by the school or specialty school.
 - ___ (9) A clear statement of conditions the school or specialty school considers to be breach of the contract, and a description of the possible remedies to be pursued against the student.
 - ___ (10) Notice that an enrollee has the right to cancel the contract until midnight of the third business day following receipt by the enrollee of a notice of right to cancel. In this paragraph, "business day" has the meaning give under sec. 421.301(6), Stats.
- (a) The notice shall be printed in letters of not less than 12-point boldface type under the caption: **"ENROLLEE'S RIGHT TO CANCEL"** and read as follows:

You may cancel this agreement by mailing or delivering a notice (insert name and mailing address of agent of school or specialty school) before midnight of the third business day after you signed this agreement. "Business day" means any calendar day except Saturday or Sunday, and except the following business holidays: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas. If you wish, you may use this page as that written notice by writing "I hereby cancel" and adding your name and address. A duplicate of this page is provided to you by the school for your records.

- (b) If the principal language of the enrollee is other than English, the school or specialty school shall give the enrollee written notice of the right to cancel in English and the principal language of the enrollee.
- (c) The school or specialty school shall deliver 2 copies of the notice of a right to cancel after the enrollee has signed the enrollment contract, but not before.

SIGNATURE OF PERSON PROVIDING INITIALS _____

TITLE _____

Wisconsin Department of Regulation & Licensing

AFFIDAVIT

I, _____ duly sworn under oath, state the attached student contract contains all requirements stated in sec. RL 62.02, Wis. Admin. Code. I understand that a false statement (sec. 946.32, Stats.) made in connection with this application will be grounds for denial or revocation of the school credential.

Signature of Owner

Date

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public

My Commission Expires: _____

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BARBERING & COSMETOLOGY SCHOOL & SPECIALTY SCHOOL

REQUIRED CONTENTS FOR SCHOOL CATALOGS

Listed below are the content requirements for the barbering and cosmetology school's and specialty school's catalog as stated in sec. RL 62.01, Wis. Admin. Code. Please **initial** each requirement to indicate its inclusion in the catalog which you are submitting for approval. In addition, please indicate after each requirement its location in the catalog.

- ____(1) Identifying data, including volume number, dates of publication and reprinting. Page _____.
- ____(2) Name of school or specialty school and its governing body and officials. Page _____.
- ____(3) A calendar showing dates of instruction for each course and vacation periods. Page _____.
- ____(4) The school or specialty school policy and regulations regarding specific entrance and graduation requirements for each course. Page _____.
- ____(5) The school or specialty school policy and regulations governing enrollment dates, leave, absences, tardiness, make-up work, and interruption or suspension for unsatisfactory work or attendance, and the conditions under which a student dismissed or suspended for unsatisfactory progress, conduct, or attendance may resume the course of instruction. Page _____.
- ____(6) The school's or specialty school's policy and regulations governing standards of progress required of the student, the grading system of the school or specialty school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, as well as a description of the student progress records kept by the school or specialty school and furnished to the students. Page _____.
- ____(7) The school or specialty school policy and regulations governing student conduct and conditions or dismissal for unsatisfactory conduct. Page _____.
- ____(8) A detailed description of charges for tuition and a schedule of fees for student activities, laboratory fees, rentals, deposits and all other charges which are referred to or included in the contract. The school's or specialty school's refund policy shall be fully described in the catalog or bulletin. Page _____.

Wisconsin Department of Regulation & Licensing

- ____(9) An outline for each course describing the subject of the course, the type of work or skill to be learned, the length of the course and the number of credits or clock hours to be earned towards licensing eligibility. In addition, the school or specialty school shall disclose any requirements imposed by the school or specialty school for graduation which exceed minimums required by the state to be eligible for the licensure examination. If graduation is required before a student is eligible to take the licensure examination, the catalog or bulletin shall so state. Page _____.
- ____(10) A statement of the school or specialty school policy and regulations under which it will grant credit for hours of previous education or training. Page _____.
- ____(11) A description of the school or specialty school placement services and other resources made available to assist students. Page _____.
- ____(12) A description of the surety bond under sec. RL 61.06, Wis. Admin. Code, and an explanation of how a student may make a claim on the bond. Page _____.

SIGNATURE OF PERSON PROVIDING INITIALS _____

AFFIDAVIT

I, _____, duly sworn under oath, state the attached school catalog contains all requirements stated in sec. RL 62.01, Wis. Admin. Code. I understand that a false statement (sec. 946.32, Stats.) made in connection with this application will be grounds for denial or revocation of the school credential.

Signature of Owner

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

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Mail To: P.O. Box 8935
Madison, WI 53708-8935
FAX #: (608) 261-7083
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1400 E. Washington Avenue
Madison, WI 53703
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Website: <http://www.drl.state.wi.us>

BARBERING & COSMETOLOGY SCHOOL OR SPECIALTY SCHOOL BOND

KNOW ALL PERSONS BY THESE PRESENTS

Policy No. _____

that _____

_____ an individual
_____ a partnership
_____ a corporation

doing business as _____

(Name of School or Specialty School)

at _____, as Principal, and

(Address of School or Specialty School)

_____, as Surety,

(Name and Address of Surety)

are held and firmly bound unto each member of that class of persons defined as those provided the right of indemnification by virtue of the provisions of Chapter RL 61.06, Wisconsin Administrative Code, and the state of Wisconsin for itself and for the benefit of such other Obligees, to make payment in the sum of \$_____. We, the PRINCIPAL and the SURETY, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, provided that no obligation hereunder shall require payment for the same loss or damage to more than one Obligee named herein.

The Condition of the Obligation is such that the PRINCIPAL has applied for, or has been granted, approval to do business as a school or specialty school pursuant to sec. 440.62, Wisconsin Statutes, and Chapters RL 60 through 62 and 65, Wisconsin Administrative Code, and, if neither the PRINCIPAL nor any of its employees, agents, or representatives by whatever name they may be known shall cause economic loss or damage to any Obligee protected by this bond by engaging in the practices which would entitle the Obligee to indemnification therefor as provided in sec. RL 61.06(3), Wisconsin Administrative Code, as it exists at the time of an occurrence giving rise to a right to indemnification, then this obligation shall be void, otherwise it shall be and remain in full force and effect.

This obligation shall be continuous in nature; provided, however, that in the event of renewal of this obligation, the liability of the SURETY shall not be cumulative, and, regardless of the number of years that this Obligation is continued in force of the number of annual premiums that is paid or payable, the aggregate liability of the SURETY during the entire period in which this Obligation is in force shall not exceed the penal sum of the bond.

This bond may be terminated by the SURETY by the giving of 90 days written notice to the Secretary of the Department of Regulation and Licensing of the State of Wisconsin; provided, however, that in the event of such termination, the SURETY shall be relieved of liability hereunder only with respect to breaches of Condition occurring on or after the effective date of such termination.

Signed and Sealed this _____ day of _____, _____.

(Principal)

By: _____

(Witness)

(Title)

(Surety)

By: _____

Attorney in Fact

Wisconsin Department of Regulation & Licensing

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Madison, WI 53708-8935

FAX #: (608) 261-7083
Phone #: (608) 266-2112

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NOTICES

TIME FOR REVIEW AND DETERMINATION OF CREDENTIAL APPLICATIONS

Generally, a credentialing authority is required to make a determination on an original application for a credential within 60 business days after a completed application is received.^a An application is completed when all materials necessary to make a determination on the application and all materials requested by the licensing authority have been received.

PROCEDURES ON APPLICATION DENIAL

An applicant who receives a notice of denial may request a hearing to challenge the denial by filing a request with the appropriate board or the department within 45 days after the mailing of the notice of denial. The request must contain the applicant's name and address, the type of license sought, the reasons why a hearing is requested and a description of the mistake the applicant believes was made, if the applicant claims that the denial was based on a mistake of fact or law. Hearing procedures are specified in ch. RL 1 of the Wisconsin Administrative Code. A copy of ch. RL 1 is available at most public libraries, on the Internet through the index at <http://www.legis.state.wi.us/rsb/code/rl/rl.html> and may also be obtained from the department.

MAILING ADDRESS AND CHANGE OF ADDRESS

Credential holders may use a business address as a mailing address for department mail. A change of address must be reported to the department within 30 days.

PERSONALLY IDENTIFIABLE INFORMATION: USE AND AVAILABILITY

Information collected on an application form is required and will be used to determine eligibility for a credential or examination. It is not likely that the department will use information collected by these forms for other purposes.

Credentialing is a public process with a goal of identifying those competent to protect the public. The name, city, and status of credential holders are accessible at the Department's website at <http://www.drl.state.wi.us/> under "Credential Holder Query." Information collected on application and examination forms is available for inspection to the public under Wisconsin laws governing public records.

AMERICANS WITH DISABILITIES ACT

The Department complies with the Americans With Disabilities Act of 1990. The Department will make reasonable modifications to policies, practices and procedures when modifications are necessary to avoid discrimination on the basis of disability and will make reasonable accommodations necessary to provide a qualified individual with a disability with equal access to department programs.

Communications and examinations: Individuals who need auxiliary aids for effective communication in programs and services or who wish to request special accommodations for examinations, please call (608) 266-2852 or TTY at (608) 267-2416.

Complaints: Procedures for alleging violations of the Americans with Disabilities Act of 1990 may be obtained by calling the Department's ADA Coordinator at (608) 266-8608 or TTY at (608) 267-2416.

#1988 (Rev. 4/03) ss. 15.04 (1) (m), 19.35, Stats.

^a Section RL 4.06 of the Wisconsin Administrative Code

CHAPTER 440

DEPARTMENT OF REGULATION AND LICENSING

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SUBCHAPTER I

GENERAL PROVISIONS

440.01 Definitions. (1) In chs. 440 to 480, unless the context requires otherwise:

(a) "Department" means the department of regulation and licensing.

(am) "Financial institution" has the meaning given in s. 705.01 (3).

(b) "Grant" means the substantive act of an examining board, section of an examining board, affiliated credentialing board or the department of approving the applicant for credentialing and the preparing, executing, signing or sealing of the credentialing.

(c) "Issue" means the procedural act of the department of transmitting the credential to the person who is credentialed.

(d) "Limit", when used in reference to limiting a credential, means to impose conditions and requirements upon the holder of the credential, and to restrict the scope of the holder's practice.

(dm) "Renewal date" means the date on which a credential expires and before which it must be renewed for the holder to maintain without interruption the rights, privileges and authority conferred by the credential.

(e) "Reprimand" means to publicly warn the holder of a credential.

(f) "Revoke", when used in reference to revoking a credential, means to completely and absolutely terminate the credential and all rights, privileges and authority previously conferred by the credential.

(g) "Secretary" means the secretary of regulation and licensing.

440.475 DEPARTMENT OF REGULATION AND LICENSING

440.475 Disciplinary actions. (1) The department may deny, limit, suspend or revoke the registration of a charitable organization, fund-raising counsel or professional fund-raiser, or may reprimand a charitable organization, fund-raising counsel or professional fund-raiser that is registered under this subchapter, if the department finds that the charitable organization, fund-raising counsel or professional fund-raiser has made a false statement in any registration statement, annual report or other information required to be filed under, or has otherwise violated, this subchapter or the rules promulgated under this subchapter.

(2) In addition to or in lieu of a reprimand or a denial, limitation, suspension or revocation of a certificate under sub. (1), the department may assess against any person who violates this subchapter or the rules promulgated under this subchapter a forfeiture of not less than \$100 nor more than \$1,000 for each violation.

History: 1991 a. 278.

440.48 Penalties and enforcement. (1) (a) The department of justice may bring an action to prosecute a violation of this subchapter or the rules promulgated under this subchapter, including an action for temporary or permanent injunction.

(b) Upon finding that a person has violated this subchapter or the rules promulgated under this subchapter, the court may make any necessary order or judgment, including but not limited to injunctions, restitution and, notwithstanding s. 814.04, award of reasonable attorney fees and costs of investigation and litigation, and, except as provided in par. (c), may impose a forfeiture of not less than \$100 nor more than \$10,000 for each violation.

(c) 1. A person who violates s. 440.47 (4) (b) may be required to forfeit not more than \$5,000, unless the person establishes reasonable cause for the violation.

2. A person who, with intent to avoid, prevent or interfere with a civil investigation under this subsection, does any of the following may be required to forfeit not more than \$5,000:

a. Alters or by any other means falsifies, removes from any place, conceals, withholds, destroys or mutilates any documentary material in the possession, custody or control of a person subject to notice of the taking of testimony or examination of documents under s. 440.47 (4).

b. Knowingly conceals relevant information.

(d) A charitable organization, fund-raising counsel, professional fund-raiser, commercial coventurer or any other person who violates the terms of an injunction or other order entered under this subsection may be required to forfeit, in addition to all other remedies, not less than \$1,000 nor more than \$10,000 for each violation. The department of justice may recover the forfeiture in a civil action. Each separate violation of an order entered under this subsection is a separate offense, except that each day of a violation through continuing failure to obey an order is a separate offense.

(e) No charitable organization may indemnify an officer, employee or director for any costs, fees, restitution or forfeitures assessed against that individual by the court under par. (b), (c) or (d) unless the court determines that the individual acted in good faith and reasonably believed the conduct was in or not opposed to the best interests of the charitable organization.

(2) The department or the department of justice may accept a written assurance of discontinuance of any act or practice alleged to be a violation of this subchapter or the rules promulgated under this subchapter from the person who has engaged in the act or practice. The assurance may, among other terms, include a stipulation for the voluntary payment by the person of the costs of investigation, or of an amount to be held in escrow pending the outcome of an action or as restitution to aggrieved persons, or both. The department or department of justice may at any time reopen a matter in which an assurance of discontinuance is accepted for further proceedings if the department or department

of justice determines that reopening the matter is in the public interest.

History: 1991 a. 278.

SUBCHAPTER IV

PEDDLERS

440.51 Statewide peddler's licenses for ex-soldiers.

Any ex-soldier of the United States in any war, who has a 25% disability or more or has a cardiac disability recognized by the U.S. department of veterans affairs, and any person disabled to the extent of the loss of one arm or one leg or more or who has been declared blind as defined under Title XVI of the social security act, shall, upon presenting the department proof of these conditions, be granted a special statewide peddler's license without payment of any fee. The person must have been a bona fide resident of this state for at least 5 years preceding the application. While engaged in such business the person shall physically carry the license and the proof required for its issuance. A blind person shall also carry an identification photograph which is not more than 3 years old. A license issued under this section shall not entitle a blind person to peddle for hire for another person. A license issued under this section is permanent unless suspended or revoked by the department.

History: 1977 c. 399; 1989 a. 56; 1991 a. 39.

SUBCHAPTER V

BARBERING AND COSMETOLOGY SCHOOLS

440.60 Definitions. As used in this subchapter unless the context requires otherwise:

- (1) "Aesthetician" has the meaning specified in s. 454.01 (1).
- (2) "Aesthetics" has the meaning specified in s. 454.01 (2).
- (3) "Apprentice" has the meaning specified in s. 454.01 (3).
- (4) "Barbering or cosmetology" has the meaning specified in s. 454.01 (5).
- (5) "Barber or cosmetologist" has the meaning specified in s. 454.01 (6).
- (6) "Electrologist" has the meaning specified in s. 454.01 (8).
- (7) "Electrology" has the meaning specified in s. 454.01 (9).
- (8) "Establishment" has the meaning specified in s. 454.01 (10).
- (9) "Examining board" has the meaning specified in s. 454.01 (11).
- (10) "Manager" has the meaning specified in s. 454.01 (12).
- (11) "Manicuring" has the meaning specified in s. 454.01 (13).
- (12) "Manicurist" has the meaning specified in s. 454.01 (14).
- (13) "Practical instruction" means training through action or direct contact with a patron or model other than a mannequin.
- (14) "School" means any facility, other than a specialty school, that offers instruction in barbering or cosmetology, aesthetics, electrology or manicuring.
- (15) "Specialty school" means an establishment that offers instruction in aesthetics, electrology or manicuring.
- (16) "Student" has the meaning specified in s. 454.01 (15).
- (17) "Theoretical instruction" means training through the study of principles and methods.
- (18) "Training hour" has the meaning specified in s. 454.01 (16).

History: 1987 a. 265.

440.61 Applicability. This subchapter does not apply to any of the following:

(1) Schools regulated or approved by the technical college system board.

(2) Schools operated by the department of health and family services or the department of corrections.

History: 1987 a. 265; 1989 a. 31, 107; 1993 a. 399; 1995 a. 27 ss. 6587, 9126 (19).

440.62 School and specialty school licensure.

(1) LICENSE REQUIRED. (a) No person may operate a school unless the school holds a current license as a school of barbering or cosmetology, aesthetics, electrology or manicuring issued by the department.

(b) No person may operate a specialty school unless the specialty school holds a current license as a specialty school of aesthetics, electrology or manicuring issued by the department.

(c) No school may use the title "school of barbering or cosmetology" or any similar title unless the school holds a current school of barbering or cosmetology license issued by the department.

(d) No school may use the title "school of aesthetics" or any similar title unless the school holds a current school of aesthetics license issued by the department.

(e) No school may use the title "school of electrology" or any similar title unless the school holds a current school of electrology license issued by the department.

(f) No school may use the title "school of manicuring" or any similar title unless the school holds a current school of manicuring license issued by the department.

(g) No specialty school may use the title "specialty school of aesthetics" or any similar title unless the specialty school holds a current specialty school of aesthetics license issued by the department.

(h) No specialty school may use the title "specialty school of electrology" or any similar title unless the specialty school holds a current specialty school of electrology license issued by the department.

(i) No specialty school may use the title "specialty school of manicuring" or any similar title unless the specialty school holds a current specialty school of manicuring license issued by the department.

(2) APPLICATIONS; LICENSE PERIOD; CHANGE OF OWNERSHIP. (a) An application for initial licensure or renewal or reinstatement of a license under this section shall be submitted to the department on a form provided by the department and shall be accompanied by the applicable fee specified in s. 440.05 (1) or 440.08. Each application shall be accompanied by a surety bond acceptable to the department in the minimum sum of \$25,000 for each location.

(b) The department may require additional information to be submitted to accompany or supplement an application if the department determines that the information is necessary to evaluate whether the school or specialty school meets the requirements in this subchapter.

(c) The department may require a school or specialty school to submit with an application a current balance sheet and income statement audited and certified by an independent auditor or certified public accountant. If the department receives a request to inspect a balance sheet, income statement or audit report, the department shall, before permitting an inspection, require the person requesting inspection to provide his or her full name and, if the person is representing another person, the full name and address of that person. Within 48 hours after permitting an inspection, the department shall mail to the person who submitted the balance sheet, income statement or audit report a notification that states the full name and address of the person who inspected the document and the full name and address of any person represented by the person who inspected the document. This paragraph does not apply to inspection requests made by state or federal officers, agents or employees which are necessary to the discharge of the duties of their respective offices.

(d) Any change of ownership shall be reported to the department by the new owner within 5 days after the change of ownership. A change of ownership shall be submitted to the department on a form provided by the department and shall be accompanied by the change of ownership fee specified by the department by rule.

(e) The department shall promulgate rules establishing the requirements for surety bonds under par. (a).

(3) SCHOOL LICENSES. (a) *School of barbering or cosmetology license.* The department shall issue a school of barbering or cosmetology license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in barbering or cosmetology of at least 1,800 training hours in not less than 10 months. The course of instruction may not exceed 8 training hours in any one day for any student or 48 hours in any one week for any student.

3. If the school offers a course of theoretical instruction for managers, requires as a prerequisite to completion of the course of instruction for managers the completion of at least 150 training hours.

4. If the school offers a course of theoretical instruction for apprentices, requires as a prerequisite to completion of the course of instruction for apprentices the completion of at least 288 training hours in not less than 9 weeks and not more than 2 years.

5. If the school offers a course of instruction in aesthetics, the course of instruction satisfies the requirements under par. (b) 2.

6. If the school offers a course of instruction in electrology, the course of instruction satisfies the requirements under par. (c) 2.

7. If the school offers a course of instruction in manicuring, the course of instruction satisfies the requirements under par. (d) 2.

8. Satisfies the requirements for schools of barbering or cosmetology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(b) *School of aesthetics license.* The department shall issue a school of aesthetics license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for schools of aesthetics established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(c) *School of electrology license.* The department shall issue a school of electrology license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.

3. Satisfies the requirements for schools of electrology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(d) *School of manicuring license.* The department shall issue a school of manicuring license to each school that meets the following requirements:

1. Satisfies the conditions in sub. (2).

2. Requires as a prerequisite to graduation completion of a course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks.

3. Satisfies the requirements for schools of manicuring established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

440.62 DEPARTMENT OF REGULATION AND LICENSING

(4) **SPECIALTY SCHOOL LICENSES.** (a) *Specialty school of aesthetics license.* The department shall issue a specialty school of aesthetics license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Requires as a prerequisite to graduation completion of a course of instruction in aesthetics of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.
3. Satisfies the requirements for specialty schools of aesthetics established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(b) *Specialty school of electrology license.* The department shall issue a specialty school of electrology license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Requires as a prerequisite to graduation completion of a course of instruction in electrology of at least 450 training hours in not less than 11 weeks and not more than 30 weeks.
3. Satisfies the requirements for specialty schools of electrology established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(c) *Specialty school of manicuring license.* The department shall issue a specialty school of manicuring license to each specialty school that meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Requires as a prerequisite to graduation completion of a course of instruction in manicuring of at least 300 training hours in not less than 7 weeks and not more than 20 weeks.
3. Satisfies the requirements for specialty schools of manicuring established in rules promulgated under subs. (2) (e) and (5) (b) and s. 440.64 (1) (b).

(5) **REQUIREMENTS FOR COURSES OF INSTRUCTION.** (a) No specialty school may offer theoretical instruction for managers or apprentices.

(b) The examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction and establishing minimum standards for courses of instruction and instructional materials and equipment at schools and specialty schools.

History: 1987 a. 265; 1991 a. 39.

440.63 Persons providing practical instruction in schools. (1) **INSTRUCTOR CERTIFICATION REQUIRED.** (a) No person may provide practical instruction in barbering or cosmetology in a school of barbering or cosmetology unless the person holds a current barbering or cosmetology instructor certificate issued by the department, except as follows:

1. A person may provide practical instruction in aesthetics in a school of barbering or cosmetology if the person holds a current aesthetics instructor certificate issued by the department.
2. A person may provide practical instruction in manicuring in a school of barbering or cosmetology if the person holds a current manicuring instructor certificate issued by the department.

(b) No person may provide practical instruction in a school of aesthetics unless the person holds a current barbering or cosmetology instructor or aesthetics instructor certificate by the department.

(c) No person may provide practical instruction in electrology in a school of barbering or cosmetology or school of electrology unless the person holds a current electrology instructor certificate issued by the department.

(d) No person may provide practical instruction in a school of manicuring unless the person holds a current barbering or cosmetology instructor or manicuring instructor certificate issued by the department.

(2) **APPLICATIONS; CERTIFICATION PERIOD.** An application for initial certification or renewal or reinstatement of a certificate under this section shall be submitted to the department on a form

provided by the department. An application for initial certification shall include the fee specified in s. 440.05 (1). Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under s. 440.08 (2) (a), and the applicable penalty for late renewal under s. 440.08 (3) if the application is submitted late.

(3) **INSTRUCTOR CERTIFICATIONS.** (a) *Barbering or cosmetology instructor certification.* The department shall issue a barbering or cosmetology instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Completes 2,000 hours of practice as a licensed barber or cosmetologist or holds a current manager license issued by the examining board.
3. Completes 150 training hours of instructor training approved by the department.
4. Passes an examination conducted by the department to determine fitness as a barbering or cosmetology instructor.

(b) *Aesthetics instructor certification.* The department shall issue an aesthetics instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Completes 2,000 hours of practice as a licensed aesthetician and 150 training hours of instructor training approved by the department.
3. Passes an examination conducted by the department to determine fitness as an aesthetics instructor.

(c) *Electrology instructor certification.* The department shall issue an electrology instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Completes 2,000 hours of practice as a licensed electrologist and 150 training hours of instructor training approved by the department.
3. Passes an examination conducted by the department to determine fitness as an electrology instructor.

(d) *Manicuring instructor certification.* The department shall issue a manicuring instructor certificate to each person who meets the following requirements:

1. Satisfies the conditions in sub. (2).
2. Completes 2,000 hours of practice as a licensed manicurist and 150 training hours of instructor training approved by the department.
3. Passes an examination conducted by the department to determine fitness as a manicuring instructor.

History: 1987 a. 265; 1989 a. 31; 1991 a. 39.

440.635 Persons providing practical instruction in specialty schools. (1) No person may provide practical instruction in a specialty school of aesthetics unless the person holds a current manager license issued by the examining board or a current barbering or cosmetology instructor or aesthetics instructor certificate issued by the department.

(2) No person may provide practical instruction in a specialty school of electrology unless the person holds a current electrologist license and a current manager license issued by the examining board or an electrology instructor certificate issued by the department.

(3) No person may provide practical instruction in a specialty school of manicuring unless the person holds a current manager license issued by the examining board or a current barbering or cosmetology instructor or manicuring instructor certificate issued by the department.

History: 1987 a. 265.

440.64 Regulation of schools and specialty schools.

(1) **DUTIES OF DEPARTMENT.** (a) The department shall investigate

the adequacy of the courses of instruction and instructional materials and equipment at schools and specialty schools and review those courses of instruction, instructional materials and equipment for compliance with minimum standards established by rules of the examining board.

(b) The department shall promulgate rules:

1. Establishing standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

2. Regulating the negotiability of promissory instruments received by schools and specialty schools in payment of tuition and other charges.

3. Establishing minimum standards for the refund of portions of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued from a course or course of instruction.

4. Requiring schools and specialty schools to furnish information to the department concerning their facilities, curricula, instructors, registration and enrollment policies, enrollment rosters, student training hours, contracts, financial records, tuition and other charges and fees, refund policies and policies concerning the negotiability of promissory instruments received in payment of tuition and other charges.

(2) AUDITORS AND INSPECTORS. (a) The department shall appoint auditors and inspectors under the classified service to audit and inspect schools and specialty schools.

(b) An auditor or inspector appointed under par. (a) may enter and audit or inspect any school or specialty school at any time during business hours.

(3) INVESTIGATIONS, HEARINGS, REPRIMANDS, DENIALS, LIMITATIONS, SUSPENSIONS AND REVOCATIONS. (a) Subject to the rules promulgated under s. 440.03 (1), the department may make investigations or conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(b) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a licensee or certified instructor or deny, limit, suspend or revoke a license or certificate under this subchapter if it finds that the applicant, licensee or certified instructor has done any of the following:

1. Made a material misstatement in an application for licensure, certification or renewal.

2. Advertised in a manner which is false, deceptive or misleading.

3. Violated this subchapter or any rule promulgated under this subchapter.

(c) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a license or certificate under par. (b), the department may assess against a school, specialty school or instructor a forfeiture of not less than \$100 nor more than \$5,000 for each violation enumerated under par. (b).

History: 1987 a. 265.

SUBCHAPTER VIII

CEMETERY AUTHORITIES, SALESPERSONS AND PRENEED SELLERS

440.90 Definitions. In this subchapter:

(1) "Business day" has the meaning given in s. 421.301 (6).

(2) "Cemetery authority" has the meaning given in s. 157.061 (2).

(3) "Cemetery merchandise" has the meaning given in s. 157.061 (3).

(4) "Human remains" has the meaning given in s. 157.061 (8).

(5) "Mausoleum" has the meaning given in s. 157.061 (9).

(6) "Mausoleum space" has the meaning given in s. 157.061 (10).

(6m) "Payment of principal" has the meaning given in s. 157.061 (11r).

(7) "Preneed sales contract" has the meaning given in s. 157.061 (12).

(8) "Preneed seller" means an individual who sells or solicits the sale of cemetery merchandise or an undeveloped space under a preneed sales contract or, if such an individual is employed by or acting as an agent for a cemetery authority or any other person, the cemetery authority or other person.

(9) "Preneed trust fund" has the meaning given in s. 157.061 (13).

(10) "Public mausoleum" has the meaning given in s. 157.061 (14).

(11) "Sale" has the meaning given in s. 157.061 (16).

(12) "Undeveloped space" has the meaning given in s. 157.061 (17).

(13) "Warehouse" means a place of storage for cemetery merchandise sold under a preneed sales contract.

(14) "Wholesale cost ratio" means the actual cost to a preneed seller to supply and deliver cemetery merchandise or to construct an undeveloped space divided by the price paid by the purchaser, excluding sales tax, finance or interest charges and insurance premiums.

History: 1989 a. 307.

440.91 Cemetery authorities and cemetery salespersons. (1) Except as provided in sub. (6m), every cemetery authority that sells or solicits the sale of a total of 10 or more cemetery lots or mausoleum spaces during a calendar year and that pays any commission or other compensation to any person for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register with the department. The registration shall be in writing and shall include the names of the officers of the cemetery authority.

(2) Except as provided in subs. (7) and (10), every individual who sells or solicits the sale of, or who expects to sell or solicit the sale of, a total of 10 or more cemetery lots or mausoleum spaces during a calendar year shall register with the department. An individual may not be registered as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the department that the individual is competent to act as a cemetery salesperson. Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and furnish to the department, in such form as the department prescribes, all of the following information:

(a) Name and address.

(b) Educational qualifications.

(c) Prior occupations.

(d) Any other information which the department may reasonably require to enable it to determine the competency of the salesperson to transact the business of a cemetery salesperson in a manner which safeguards the interest of the public.

(3) Any cemetery salesperson may transfer to the employment of a cemetery authority, other than the cemetery authority that certified the salesperson under sub. (2), by filing a transfer form with the department and paying the transfer fee specified in s. 440.05 (7).

(4) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under s. 440.08 (2) (a).

(5) Every cemetery authority requesting the registration or transfer of any cemetery salesperson shall be responsible for the acts of that salesperson while acting as a cemetery salesperson.

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Chapter RL 60

AUTHORITY, SCOPE, PURPOSE AND DEFINITIONS

RL 60.01 Authority.

RL 60.02 Definitions.

Note: Chapter RL 60 was created as an emergency rule effective 5–26–89.

RL 60.01 Authority. The rules in chs. RL 60 to 62 and 65 are adopted by the department of regulation and licensing under the authority of ss. 227.11 (2) (a), 440.62, and 440.64, Stats., to govern the licensing and regulation of schools of barbering and cosmetology, aesthetics, electrology, and manicuring, and specialty schools of aesthetics, electrology, and manicuring.

History: Register, December, 1989, No. 408, eff. 1–1–90.

RL 60.02 Definitions. As used in chs. RL 60 to 62 and 65:

(1) “Aesthetician,” “aesthetics,” “apprentice,” “barbering and cosmetology,” “barber and cosmetologist,” “electrologist,” “electrology,” “establishment,” “examining board,” “manager,” “manicuring,” “manicurist,” “practical instruction,” “school,” “specialty school,” “student,” “theoretical instruction,” and “training hour” have the meanings given under s. 440.60, Stats.

(2) “Certificate” means an instructor certificate issued under s. 440.63, Stats.

(3) “Class day” means any day on which instruction is provided by the school or specialty school and the student is scheduled to attend.

Note: Holidays, scheduled vacation periods, other days on which instruction is not provided by the school, and periods for which the student is granted a leave of absence are not class days.

(4) “Department” means the department of regulation and licensing.

(5) “Enrollee” means an individual who has signed an application to attend a school or specialty school but has not started classes.

(6) “Licensee” means an owner who has received a school license or specialty school license.

(7) “Location” means the premises described in the floor plan submitted under s. RL 61.03 (1) (c).

(8) “Owner” means an individual, partnership, firm, company, corporation, or other entity which controls the finances, management, or both, of any location of a school or specialty school.

(9) “Ownership” means the legal right to possession or control of the finances, management, or both, of any location of a school or specialty school.

(10) “Total cost of the course of instruction” means the sum of all charges made by the school for tuition, books, materials, supplies and any other charges made by the school which are required to be paid by the student as the result of enrollment in a specific course of instruction.

(11) “Unqualified” means a student who has neither a high school diploma, or a General Educational Development certificate (“GED”), nor has demonstrated, through testing, an aptitude to successfully complete the course of instruction offered by the school or specialty school.

History: Register, December, 1989, No. 408, eff. 1–1–90.

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Chapter RL 61

LICENSING OF SCHOOLS AND SPECIALTY SCHOOLS

RL 61.01 License periods.
 RL 61.02 Fees.
 RL 61.03 Application requirements for an initial license.
 RL 61.04 Application requirements for license renewal.

RL 61.05 Application requirements for reinstatement of an expired license.
 RL 61.06 Requirements for surety bonds.
 RL 61.07 Change of ownership.

Note: Chapter RL 61 was created as an emergency rule effective 5-26-89.

RL 61.01 License periods. All licenses issued under subch. V of ch. 440, Stats., shall expire on July 1 unless renewed. Licenses issued under subch. V of ch. 440, Stats., may be renewed for a one year period.

History: Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.02 Fees. The following fee schedule applies to all licenses issued to schools and specialty schools:

- (1) Fee for initial license:
 - (a) Schools of barbering and cosmetology: \$300.
 - (b) Schools of aesthetics, electrology, and manicuring: \$200.
 - (c) Specialty schools of aesthetics, electrology and manicuring: \$100.
- (2) Fee for license renewal:
 - (a) Schools of barbering and cosmetology: \$250.
 - (b) Schools of aesthetics, electrology, and manicuring: \$125.
 - (c) Specialty schools of aesthetics, electrology and manicuring: \$75.
- (3) Fee for change of ownership:
 - (a) Schools of barbering and cosmetology: \$100.
 - (b) Schools of aesthetics, electrology, and manicuring: \$75.
 - (c) Specialty schools of aesthetics, electrology and manicuring: \$50.
- (4) In addition to the amount specified in sub. (2), the fee for renewal of a license shall include the following late renewal fee if a completed application and fee are not received by the department prior to the expiration of the license:
 - (a) Schools of barbering and cosmetology: \$100.
 - (b) Schools of aesthetics, electrology, and manicuring: \$75.
 - (c) Specialty schools of aesthetics, electrology and manicuring: \$50.

History: Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.03 Application requirements for an initial license. (1) An application for initial licensure as a school, or for an additional location of a school, shall be made by the owner of the school on the form provided by the department. The department shall grant or deny the license application within 45 business days following receipt of the application. A separate application shall be made for each location and contain all of the following information:

(a) The names and addresses of all owners. If the owner is a corporation, a copy of the articles of incorporation and most recent annual report filed with the secretary of state, together with a list of the names and addresses of the incorporators, officers, directors, and shareholders of the corporation shall be submitted. No identification is required of any shareholder owning or controlling fewer than 10% of the shares of the corporation. If the owner is a partnership, the names and addresses of all partners and a copy of the partnership agreement.

(b) A statement that a certified public accountant has completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement, and that a copy of those statements will be made available for inspection by the department on request at any time. The department may require an audit of the finances of a school, at the applicant's expense, if

the licensing application contains information which reasonably gives rise to concern that the school is not financially sound or is not otherwise stable.

(c) A detailed floor plan of the premises to be used by the school which identifies the site of the school and includes a description of fixtures and equipment.

(d) A list of the names and addresses of all schools of any description whatsoever currently or previously owned or operated by any of the owners of the school applying for licensure. If the owner of the school applying for licensure is a corporation or partnership, a list of the names and addresses of all schools of any description whatsoever which are currently or were previously owned or operated by any of the incorporators, officers, directors, or shareholders of the corporation or partners. No report is required for any shareholder owning or controlling fewer than 10% of the shares of the corporation.

(e) For every school required to be listed by par. (d), a detailed statement with all pertinent details indicating:

1. Whether the school was ever denied accreditation by any accrediting agency;
 2. Whether the school was ever denied a license or had a license suspended, limited, restricted, or revoked;
 3. Whether the school was ever subject to any form of receivership; and,
 4. Whether the school was ever the subject of or named in any lawsuit alleging fraud, misrepresentation or any violation of law.
- (f) A copy of the printer's proof of the catalog or bulletin described in s. RL 62.01.

(g) A copy of any contract form used by the school or which the school intends to use in enrolling students.

(h) A list of the names and applicable license or certificate numbers of the instructors the school has hired to provide practical and theory instruction to its students.

(i) The number of students anticipated to be enrolled during the license period.

(j) The name and Wisconsin address of a designated agent upon whom any process, notice, demand or other document may be served.

(2) An application for initial licensure as a specialty school, or for an additional location of a specialty school, may be made for any establishment at which no more than one person will be trained at any time, and for which training no tuition will be charged. The application shall be made by the owner of the specialty school on the form provided by the department. The department shall grant or deny the license application within 45 days of receipt of the application. A separate application shall be made for each location and contain all of the following information:

(a) The names and addresses of all owners. If the owner is a corporation, a copy of the articles of incorporation and most recent annual report filed with the secretary of state, together with a list of the names and addresses of the incorporators, officers, directors, and shareholders of the corporation shall be submitted. No identification is required of any shareholder owning or controlling fewer than 10% of the shares of the corporation; if the owner is a partnership, the names and addresses of all partners and a copy of the partnership agreement.

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(b) A statement that a certified public accountant has completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement, and that the statements will be made available for inspection by the department on request at any time. The department may require an audit of the finances of a specialty school, at the applicant's expense, if the licensing application contains information which reasonably gives rise to concerns that the specialty school is not financially sound or is not otherwise stable.

(c) A list of the names and addresses of all schools of any description whatsoever currently or previously owned or operated by any of the owners of the specialty school applying for licensure. If the owner of the specialty school applying for licensure is a corporation or partnership, a list of the names and addresses of all schools of any description whatsoever which are currently or were previously owned or operated by any of the incorporators, officers, directors, or shareholders of the corporation or partners. No report is required for any shareholder owning or controlling fewer than 10% of the shares of the corporation.

(d) A list of the names and applicable license or certificate numbers of the managers the specialty school has hired to provide practical and theory instruction to its students.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.04 Application requirements for license renewal. (1) Application for the renewal of a license for a school or specialty school shall be filed on or before May 31. The department shall grant or deny the application for license renewal within 45 business days following receipt of the application.

(2) A renewal application shall be filed together with the fee required by s. RL 61.02 (2), and shall contain the following information:

(a) All the information required for an initial license under s. RL 61.03;

(b) A copy of every advertisement used by the school or specialty school in the 12 months preceding the date of the application for license renewal, including the script for every radio or television advertisement;

(c) The number of students currently enrolled in the school or specialty school and the number anticipated to be enrolled during the license period; and,

(d) A statement that a certified public accountant has completed financial statements, consisting of a balance sheet, a profit and loss statement, and a cash flow statement, for the school or specialty school, and that the report is on file at the school or specialty school and will be available for inspection by the department on request at any time during regular business hours. The department may require an audit of the finances of a school or specialty school, at the applicant's request, if the licensing application contains information which reasonably gives rise to concerns that the school or specialty school is not financially sound or is not otherwise stable.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.05 Application requirements for reinstatement of an expired license. To apply for reinstatement of a license expired for one year or longer, the owner of a school or specialty school shall file an application for an initial license. To apply for reinstatement of a license expired for less than one year, the owner of a school or specialty school shall file an application for renewal, as required by s. RL 61.04, together with the application fee and late fee required by s. RL 61.02 (2) and (4). The department shall grant or deny the application for reinstatement within 45 business days of receiving the application. The application shall include the following additional material:

(1) The dates on which any form of instruction was provided to students at the school or specialty school applying for license reinstatement during the period following the expiration of the license to the time the application for reinstatement is filed.

(2) The names and addresses of the instructors who provided any instruction to any student at the school or specialty school during the period following expiration of the license, the names and addresses of the students in attendance during the period following expiration of the license, and the number of hours of training in each topic each named student received during the period following expiration of the license.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.06 Requirements for surety bonds. (1) **BOND REQUIREMENT.** Before the department issues or renews a license for any school or specialty school, the school or specialty school shall provide the department with a surety bond acceptable to the department and executed by the applicant as principal and by a surety company qualified and authorized to do business in the state of Wisconsin.

(2) **AMOUNT OF BONDS.** The amount of the bond required shall not be less than reflected in Figure 61.06, and may be increased if the department determines that a larger bond is required to protect students of the school or specialty school, and their parents, guardians, and sponsors from risk of economic loss. A school which exceeds the enrollment upon which its bonding amount is based shall increase the amount of its bond accordingly. The increased bond shall be filed with the department within 30 days of the day the school first exceeds the enrollment on which its bonding amount is based.

FIGURE 61.06

ANTICIPATED ENROLLMENT	AMOUNT OF SURETY BOND
0-50 Students or Enrollees	\$25,000
51-100 Students or Enrollees	\$40,000
Over 100 Students or Enrollees	\$50,000

(3) **CONDITIONS OF BONDS.** (a) The surety bond shall be conditioned to provide indemnification to any student or enrollee of the school or specialty school, or the parent, guardian, or sponsor of such a student or enrollee who suffers any loss or damage as a result of any of the following:

1. Fraud or misrepresentation by the school or specialty school;

2. Violation of any state administrative rule, statute or school policy relating to the licensing or operation of a school or specialty school;

3. A student or enrollee's inability to complete the course or courses of instruction because the school or specialty school failed to perform its contractual obligations to the student or enrollee; or

4. A student or enrollee being refused a tuition refund to which he or she is entitled.

(b) The surety bond shall be conditioned to provide indemnification to the department for the amount of any forfeitures assessed by the department under s. 440.64, Stats.

(c) In no case shall indemnification to any individual student or enrollee, or the parent, guardian, or sponsor of an individual student or enrollee, be less than the greater of either:

1. The total of the advanced tuition, book fees, supply fees, equipment fees, and administration fees paid by or on behalf of the individual student or enrollee; or,

2. The greater of the total of the student loans owed by the student or enrollee as a consequence of enrolling at the school or specialty school, or the total of the direct costs to the student or enrollee to complete and graduate from an equivalent course of instruction at another school or specialty school chosen by the student or enrollee as a substitute for the school or specialty school.

(d) The aggregate liability of the surety shall not exceed the penal sum of the bond, and the surety bond may be continuous.

(4) **CANCELLATION OF SURETY BOND.** A surety on a bond may be released from the bond on 90 days written notice to the secretary of the department. The secretary shall forthwith notify the

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school or specialty school named as principal on that bond that the school's or specialty school's license shall be suspended if satisfactory evidence of a replacement bond has not been presented within 15 business days of the date of the secretary's notice to the school or specialty school. A school or specialty school which has its license suspended under this subsection shall provide written notice of the suspension and the reason therefor together with the identifying information of the bond from which the surety has sought release to its students and enrollees within 5 days of the suspension, and shall thereupon cease all operations as a school or specialty school under subch. V of ch. 440, Stats.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 61.07 Change of ownership. Any change of owner-

ship of a school or specialty school shall be reported to the department within 5 calendar days of the change of ownership, on the form provided by the department, and shall be accompanied by the fee specified in s. RL 61.02 (3) and the surety bond required by s. 440.62 (2) (a), Stats. The bond accompanying the change of ownership report shall be in the same form as, and in an amount at least equal to, the bond filed by the previous owners of the school or specialty school. The department shall immediately suspend the license of any school or specialty school for which a change of ownership is reported unless it is accompanied by a surety bond in the specified form and amount, naming the new owners as principals.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

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Chapter RL 62

REGULATION OF SCHOOLS AND SPECIALTY SCHOOLS

RL 62.01	Required contents for school and specialty school catalogs.	RL 62.07	Refund standards.
RL 62.02	Required contents for student contracts with schools and specialty schools.	RL 62.08	Disclosure of information to the department.
RL 62.03	Deceptive trade names prohibited.	RL 62.09	Inspection of facilities and records.
RL 62.04	Deceptive sales practices prohibited.	RL 62.10	Specialty topic instruction privileges and requirements for schools of barbering and cosmetology.
RL 62.05	Admission of unqualified students prohibited.	RL 62.11	Prohibited conduct and discipline.
RL 62.06	Negotiability of promissory instruments.	RL 62.12	Forfeitures to the department.

Note: Chapter RL 62 was created as an emergency rule effective 5-26-89.

RL 62.01 Required contents for school and specialty school catalogs. A school or specialty school catalog or bulletin shall contain:

- (1) Identifying data, including volume number, dates of publication and reprinting.
- (2) Name of school or specialty school and its governing body and officials.
- (3) A calendar showing dates of instruction for each course and vacation periods.
- (4) The school or specialty school policy and regulations regarding specific entrance and graduation requirements for each course.
- (5) The school or specialty school policy and regulations governing enrollment dates, leave, absences, tardiness, make-up work, and interruption or suspension for unsatisfactory work or attendance, and the conditions under which a student dismissed or suspended for unsatisfactory progress, conduct, or attendance may resume the course of instruction.
- (6) The school's or specialty school's policy and regulations governing standards of progress required of the student, the grading system of the school or specialty school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, as well as a description of the student progress records kept by the school or specialty school and furnished to the students.
- (7) The school or specialty school policy and regulations governing student conduct and conditions of dismissal for unsatisfactory conduct.
- (8) A detailed description of charges for tuition and a schedule of fees for student activities, laboratory fees, rentals, deposits and all other charges which are referred to or included in the contract. The school's or specialty school's refund policy shall be fully described in the catalog or bulletin.
- (9) An outline for each course describing the subject of the course, the type of work or skill to be learned, the length of the course and the number of credits or clock hours to be earned towards licensing eligibility. In addition, the school or specialty school shall disclose any requirements imposed by the school or specialty school for graduation which exceed minimums required by the state to be eligible for the licensure examination. If graduation is required before a student is eligible to take the licensure examination, the catalog or bulletin shall so state.
- (10) A statement of the school or specialty school policy and regulations under which it will grant credit for hours of previous education and training.
- (11) A description of the school or specialty school placement services and other resources made available to assist students.
- (12) A description of the surety bond under s. RL 61.06 and an explanation of how a student may make a claim on the bond.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.02 Required contents for student contracts with schools and specialty schools. A contract between a school or specialty school and a student shall contain:

- (1) Complete identifying information of both the school or specialty school and the student, including the address of the school or specialty school location and its administrative offices; and the name, local address and permanent address of the student. Other identifying information may be included.
- (2) A statement of the total cost and the unit costs of the contract for which the student will be responsible, including tuition, all fees, and the charges for books, materials, and equipment.
- (3) A detailed statement of obligations of the school or specialty school to the student.
- (4) A clear reference identifying the specific edition of the school's or specialty school's catalog or bulletin which was given to the student to provide the student with information about the school or specialty school prior to entering into the contract with the school or specialty school.
- (5) The anticipated starting and ending dates for the student's course of instruction.
- (6) A clear statement of the educational requirements for licensing in s. 454.06, Stats., and any requirements for graduation from the school or specialty school which exceed the requirements for eligibility to take the state licensing examination, and whether graduation from the school or specialty school is required before the student will be allowed to take the state licensing examination.
- (7) A clear, simple description of the rules, policies, regulations and laws governing the rights and responsibilities of the school or specialty school and the student or enrollee in regard to any loans, financial aid, or credit extended to or on behalf of the student or enrollee by or through the school or specialty school. To the extent the details are known at the time the contract is signed, the description shall include the details of the amount of any loan, financial aid, or credit extended to or on behalf of the student or enrollee by or through the school or specialty school, and the nominal and effective interest rate, the payment terms, the default provisions, and the defenses to default, which are or may be applicable to the loan, financial aid or credit extended. When any details of an enrollee's financial aid package are not known at the time the contract is signed, the contract shall identify those details which remain to be determined, and what effect, if any, the final determination of those details will have on the enrollee's contract.
- (8) A clear statement of the refund policy used by the school or specialty school.
- (9) A clear statement of conditions the school or specialty school considers to be breach of the contract, and a description of the possible remedies to be pursued against the student.
- (10) Notice that an enrollee has the right to cancel the contract until midnight of the third business day following receipt by the enrollee of a notice of right to cancel. In this paragraph, "business day" has the meaning given under s. 421.301 (6), Stats.

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(a) The notice shall be printed in letters of not less than 12-point boldface type under the caption: "ENROLLEE'S RIGHT TO CANCEL" and read as follows:

You may cancel this agreement by mailing or delivering a notice to (insert name and mailing address of agent of school or specialty school) before midnight of the third business day after you signed this agreement. "Business day" means any calendar day except Saturday and Sunday, and except the following business holidays: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas. If you wish, you may use this page as that written notice by writing "I hereby cancel" and adding your name and address. A duplicate of this page is provided to you by the school for your records.

(b) If the principal language of the enrollee is other than English, the school or specialty school shall give the enrollee written notice of the right to cancel in English and in the principal language of the enrollee.

(c) The school or specialty school shall deliver 2 copies of the notice of a right to cancel after the enrollee has signed the enrollment contract, but not before.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.03 Deceptive trade names prohibited. (1) No school or specialty school shall use a trade or business name, label, insignia, or designation which has the capacity and tendency or effect of misleading or deceiving prospective students with respect to the nature of the school or specialty school, its accreditation, programs of instruction or methods of teaching, or any other material fact.

(a) A school or specialty school shall not falsely represent directly or by implication through the use of a trade or business name or in any other manner that it is part of or connected with a branch, bureau, or agency of the United States government, or any state or local government or civil service commission.

(b) A school or specialty school shall not falsely represent directly or by implication through the use of a trade or business name or in any other manner that it is affiliated with or otherwise connected with a public or private religious or charitable organization, or any public or private college, university, or other institution of higher education.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.04 Deceptive sales practices prohibited. (1) No school or specialty school shall engage in any deceptive sales practices. The term "deceptive sales practice" includes, but is not limited to:

(a) The use of "help wanted" or other employment columns in a newspaper or other publication to contact prospective students in such a manner as to lead such prospective students into the belief that a job is offered.

(b) The use of "blind" advertisements or sales literature to attract prospective students when the advertisements or literature fails to set forth that courses of instruction or other educational services are being offered for sale.

(c) The making of false or deceptive statements or representations or any statements or representations which have the tendency or capacity to mislead or deceive students, prospective students, or the public regarding actual or probable earnings or opportunities in any field or vocation. It is an unfair and deceptive sales practice to represent or imply in any way that persons employed in a particular field or position earn a stated income or that persons completing a training course will earn the stated income or "up to" the stated income unless:

1. The salary or income is equal to or less than the average salary or income of persons employed in the indicated field or position for less than 5 years and the advertisement or representation indicates the basis for calculation of the average salary or income; and,

2. The advertisement or representation also states clearly and conspicuously that no guarantee is made that a person who purchases the advertised services will earn the stated salary or income, unless the guarantee is actually offered by the school or specialty school.

(d) The making of false or deceptive statements or representations, or any statements or representations which have the tendency or capacity to mislead or deceive prospective students, students, or the public regarding any opportunities in any vocation or field of activity as a result of the completion of any given course of instruction or educational service.

(e) The use of terms or titles such as "registrar", "counselor", "advisor", or words of similar import to describe or refer to a school's or specialty school's salesmen, agents, representatives, or other employees in a manner which misrepresents the training, qualifications, experience, status, or position of the person to whom reference is made.

(f) The use of any illustration in any catalog, sales literature, or otherwise which tends to convey a false impression of the size, importance, location, or facilities of a school or specialty school.

(g) The making of any false or deceptive statement or representation which has the capacity or tendency to deceive or mislead any prospective student, student, or the public regarding the amount or nature or terms of a prospective student's or student's financial obligation to the school or specialty school or any third party as a result of any agreement between the prospective student or student, or on behalf of a prospective student or student, and the school or specialty school.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.05 Admission of unqualified students prohibited. No school or specialty school may admit any applicant as a student who does not have a high school diploma or General Educational Development ("GED") certificate unless that applicant passes a nationally recognized, standardized, or industry developed test, subject to criteria developed by an appropriate accrediting association, measuring the applicant's aptitude to successfully complete the program for which the applicant has applied.

Note: This testing requirement is drawn from the "ability to benefit" criteria of 20 USC 1091 (d).

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.06 Negotiability of promissory instruments.

(1) Every assignee of an enrollment agreement takes the enrollment agreement subject to all claims and defenses of the student or successors in interest under the enrollment agreement.

(2) No school or specialty school may enter into any enrollment agreement in which the student waives the right to assert against the school or specialty school or any assignee any claim or defense the student may have against the school or specialty school. Any provision in an enrollment agreement by which the student agrees to a waiver is void.

(3) (a) No school or specialty school may use a promissory note or instrument, other than a check, unless it bears the following statement in contrasting boldface type: This is an enrollment agreement instrument and is non-negotiable. Every holder takes the enrollment agreement subject to all other claims and defenses of the maker or obligor.

(b) Compliance with requirements of federal and state statutes, regulations and rules governing the form of notice of preservation of consumers' claims and defenses shall be deemed to satisfy the requirements of par. (a).

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

RL 62.07 Refund standards. (1) FULL REFUND. A school's or specialty school's refund policy shall provide for a full refund of all money paid by a student, except for a non-refundable application fee of no more than \$10, if:

(a) The student cancels the enrollment agreement or enrollment application within 3 business days after receipt of notice of acceptance from the school or specialty school; or,

(b) The student was accepted for enrollment but was unqualified for entrance; or,

(c) The student's enrollment was procured as the result of any written or oral misrepresentations made by the school or specialty school or its agents.

(2) PARTIAL REFUND. (a) In this subsection, "percentage of enrollment time" means the number of class days elapsed from the start of the student's attendance until the student's last date of attendance divided by the total number of class days required to complete the course of instruction.

(b) If, for any reason, a student withdraws or is dismissed by the school or specialty school prior to the commencement of classes, the charge may not exceed 15% of the total cost of the course of instruction or \$100, whichever is less.

(c) If, for any reason, a student withdraws or is dismissed by the school or specialty school after the commencement of classes, the school's or specialty school's refund policy may not permit any charge to the student which exceeds \$150 plus the amount shown on the "Partial Refund Chart," in Table 62.07 (2). In no case may the charge to the student exceed the total cost of the course of instruction.

TABLE 62.07 (2) PARTIAL REFUND CHART

PERCENTAGE OF ENROLLMENT TIME		MAXIMUM PERCENTAGE OF TOTAL COST OF COURSE OF INSTRUCTION MAY BE CHARGED
GREATER THAN	LESS THAN OR EQUAL TO	
0%	5%	20%
5	10	30
10	15	40
15	25	45
25	50	70
50	100	100

Note: Schools and specialty schools are encouraged to adopt a policy wherein the refund to the student may exceed amounts set forth above when mitigating circumstances are in evidence.

(3) EQUIPMENT FEES. A school or specialty school shall reimburse the cost of the unused equipment or supplies that a student was required to purchase as a condition of enrollment or continued participation in the course of instruction to a student who, for any reason, withdraws or is dismissed by the school or specialty school and who, within 15 days of withdrawal or dismissal, tenders for reimbursement the equipment and supplies in their original condition.

(4) SCHOOL CLOSING. If a school or specialty school closes or terminates a program and no longer offers instruction in a program in which a person is enrolled, the person shall be entitled to a pro rata refund of the total cost of the course of instruction. No such refund may defeat any person's claim to indemnification to which he or she is otherwise entitled under the bond required by s. RL 61.06.

(5) REFUND DEADLINE. A school or specialty school shall make any refunds due to a student or enrollee within 30 days of the date the school or specialty school dismisses the student or enrollee or receives notice of withdrawal, or of the school or specialty school closing.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.08 Disclosure of information to the department. Within 10 days of any request by the department, a school or specialty school shall furnish the department with any information requested concerning the school's or specialty school's facilities, curricula, instructors, registration and enrollment policies, enrollment rosters, student training hours and contracts, financial records, tuition and other charges, refund policies and policies concerning the negotiability of promissory instruments received in payment of tuition and other charges.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.09 Inspection of facilities and records. A school or specialty school shall permit the department to inspect its facilities and its records at any time during the school's or specialty school's regular business hours upon the request of a representative of the department.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.10 Specialty topic instruction privileges and requirements for schools of barbering and cosmetology. A licensed school of barbering and cosmetology may offer a specialty training program in aesthetics or in manicuring, or both, without being licensed as a specialty school or paying license fees beyond those required to maintain licensure as a school of barbering and cosmetology.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 62.11 Prohibited conduct and discipline. (1) No owner, director, officer, shareholder, or managing employee of any school or specialty school may permit or engage in any of the following conduct:

(a) Holding classes without a current license for the school or specialty school.

(b) Engaging in false, misleading, or deceptive advertising, recruitment of students, enrollment procedures, or record keeping practices.

(c) Falsifying or misrepresenting any information on any application for an initial or renewal license.

(d) Being convicted of any crime involving fraud or other circumstances which substantially relate to the operation of a school or specialty school.

(e) Allowing an unlicensed person to provide practical instruction to any student.

(f) Harassing or discriminating against any enrollee or student because of age, race, creed, color, ancestry, national origin, marital status, sex, or sexual orientation.

(g) Violating subch. V of ch. 440, Stats., or ch. 454, Stats., or this chapter in the operation of a school or specialty school or establishment associated with a school or specialty school.

(h) Engaging in any promises or threats to students or employees of a school, specialty school, or establishment associated with a school or specialty school to obtain sexual or social contact or anything of value.

(i) Distributing or using school or specialty school student catalogs or contracts which do not comply with this chapter.

(j) Engaging in any conduct which could reasonably be detrimental to the health, safety, or welfare of the public, or the students or staff of any school, specialty school, or establishment associated with a school or specialty school.

(k) Failing to comply with the terms of any contract with a student of the school or specialty school.

(L) Holding classes, except for structured salon visits and instruction for individual student needs or industry trends, at any location other than that identified in the school's or specialty school's latest application for licensure.

(m) Denying the department the opportunity to inspect, or obstructing the department in the inspection of, the school's or specialty school's facilities or records at any time during regular business hours.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

- (n) Using any deceptive trade name, contrary to s. RL 62.03.
- (o) Engaging in any deceptive sales practices, contrary to s. RL 62.04.

(2) The department may limit, suspend, or revoke the license of any school or specialty school whose owner, director, officer, shareholder, or managing employee permits or participates in any of the conduct prohibited by this rule, except that no school or specialty school shall be disciplined for the action of only one shareholder who owns or controls fewer than 10% of the shares of the corporation owning the school or specialty school.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90; am. (1) (L), Register, September, 2000, No. 537, eff. 10-1-00.

RL 62.12 Forfeitures to the department. In addition to or in lieu of discipline imposed against any school or specialty school pursuant to s. RL 62.07, and in addition to any costs assessed pursuant to s. 440.22, Stats., the department may assess a forfeiture of not less than \$100 nor more than \$5,000 for each violation of s. RL 62.07. All forfeitures shall be paid to the department. In any case in which the department assesses both a forfeiture pursuant to this section and costs pursuant to s. 440.22, Stats., payments received by the department shall be applied first to the costs assessed.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter RL 65

PERSONS PROVIDING PRACTICAL INSTRUCTION IN SCHOOLS

RL 65.01 Application requirements for an initial certificate.
 RL 65.02 Renewal of instructor certificate.
 RL 65.03 Instructor theory training syllabus.
 RL 65.04 Application requirements for reinstatement of an expired certificate.
 RL 65.05 Administration of examination for instructor's certification.
 RL 65.06 Instructor's competency tested.
 RL 65.07 Form of examination.

RL 65.08 Passing scores.
 RL 65.09 Unauthorized assistance.
 RL 65.10 Failure of practical examination.
 RL 65.11 Claim of examination error.
 RL 65.12 Prohibited conduct and discipline.
 RL 65.13 Forfeitures to the department.

Note: Chapter RL 65 was created as an emergency rule effective 5-26-89.

RL 65.01 Application requirements for an initial certificate. The department shall issue an instructor's certificate in the fields of barbering and cosmetology, aesthetics, manicuring, or electrology to any person who meets the requirements of s. 440.63 (3), Stats. Application shall be made on a form supplied by the department, and shall be submitted with the fee required by s. 440.05 (1), Stats.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.02 Renewal of instructor certificate. (1) The department shall renew an instructor's certificate in the fields of barbering and cosmetology, aesthetics, manicuring or electrology to any person who applies for renewal of an instructor's certificate not more than 2 years after the expiration of the latest period for which the certificate was valid.

Note: Certificates expire on July 1 of odd numbered years.

(2) Applications for renewal of an instructor's certificate shall be made on a form supplied by the department. Applications for renewal received by the department before the expiration of the certificate shall be accompanied by the fee specified in s. 440.05 (3) (c) 4., Stats. Applications for renewal received by the department less than 30 days after the expiration of the certificate shall be filed together with the fee specified in s. 440.05 (3) (c) 4., Stats., and the penalty specified by s. 440.05 (4), Stats. Applications for renewal received by the department more than 29 days but less than 2 years after the expiration of the certificate shall be filed together with the fee specified in s. 440.05 (3) (c) 4., Stats., and the penalty specified in s. 440.05 (5), Stats.

Note: 1991 Wis. Act 39 repealed s. 440.05 (3) to (5), Stats.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.03 Instructor theory training syllabus. (1) The instructor training required by ss. 440.63 (3) (a) 3., 440.63 (3) (b) 2., 440.63 (3) (c) 2., and 440.63 (3) (d) 2., Stats., is satisfied by successful completion of a course approved by the department in accordance with the syllabus set forth in Figure 65.03. A person shall complete the 150 hours of training within 2 years of commencing the training.

(2) A school offering training for an instructor's certificate may grant credit counting towards the 96 hours required for successful completion of college level courses in teaching skills and facilitating/managing skills.

(3) A school offering training for an instructor's certificate may allow another institution to teach the 96 hours on teaching skills and facilitating/managing skills in the established curriculum and certify an instructor student's eligibility for the examination for an instructor's certificate.

FIGURE 65.03 INSTRUCTOR TRAINING COURSE SYLLABUS

- | | |
|---|-----------------|
| 1. Orientation | 14 hours |
| Goals, rules and review of curriculum | |
| 2. Teaching Skills | 64 hours |
| Objectives, competencies, methods, lesson planning, teaching techniques of the practical laboratory, interpersonal relations, evaluation and grading principles | |
| 3. Facilitating/Managing Skills | 32 hours |
| Classroom Management, communications, counseling, record keeping and safety/firstaid | |
| 4. Supervised Teaching (prerequisite: 1, 2 & 3) | 40 hours |
| Practical applications on the clinic floor and basic skills of practical teaching techniques | |

TOTAL TRAINING PROGRAM 150 hours

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.04 Application requirements for reinstatement of an expired certificate. Applications for reinstatement of an instructor's certificate which are received by the department more than 2 years after the expiration date of the certificate for which reinstatement is requested shall be considered as applications for an initial instructor's certificate and shall be made on the form for and in the manner of an application for an initial instructor's certificate.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.05 Administration of examination for instructor's certification. (1) The department attempts to schedule applicants for examination at or near a requested examination site or date but may schedule at any time and date where space is available. Admission cards are mailed to applicants at the address provided by the applicant.

(2) The applicant shall present an admission card at the door of the examination room with the identification specified on the admission card.

(3) Applicants shall follow the rules of conduct for the examination provided at the beginning of the examination. Definite time limits may be placed on each portion of the examination.

(4) Issuance of a license may be denied if the department determines that the applicant violated the rules of conduct for the examination.

Note: The intent of the department is to use the word "certificate" rather than "license."

(5) During practical examinations, applicants shall wear a numeric identification tag. The number shall be used in lieu of the applicant's name on examination papers.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

RL 65.06 Instructor's competency tested.

(1) Examinations shall test entry level competency to practice as an instructor.

(2) The department shall furnish to individuals upon request general information describing the competencies upon which the examination is based.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.07 Form of examination. An applicant for a certificate as an instructor shall pass a practical examination of the applicant's competency to instruct students in a school of barbering and cosmetology, or in a school or specialty school of aesthetics, manicuring, and electrology.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.08 Passing scores. An applicant for a certificate as an instructor who achieves a score of no less than 75 on the practical examination shall receive a license.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.09 Unauthorized assistance. The department may withhold the score of an applicant who gives or receives unauthorized assistance during the examination and may schedule the applicant for reexamination at a future time.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.10 Failure of practical examination. (1) If it appears at the conclusion of a practical examination that an applicant will receive a failing score, 2 examiners shall confer on the applicant's performance. An applicant shall not receive a failing score on a practical examination unless 2 examiners award a failing score and each signs the score sheet.

(2) A written description of the reasons for failure shall be provided to applicants failing practical examinations.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.11 Claim of examination error. (1) To claim examination error, an applicant shall file a written request for department review with the bureau of business and design professions within 30 days of the date the examination was reviewed. The request shall include:

- (a) The applicant's name and address;
- (b) The type of certificate for which the applicant applied;
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error; and,
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The department shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the department's decision and any resulting score changes.

(3) The department shall take action on a claim of examination error within 90 days of receiving the written appeal.

(4) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the department issues a notice of denial following its review, the applicant may request a hearing under s. RL 1.05.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.12 Prohibited conduct and discipline. (1) The department may take disciplinary action against any person holding an instructor's certificate who has:

(a) Made any false statement or given any false information in connection with an application for a certificate, or for renewal or reinstatement of a certificate.

(b) Been issued a certificate through error.

(c) Been adjudicated mentally incompetent by a court.

(d) Been found guilty of an offense the circumstances of which substantially relate to the practice of an instructor in a school or specialty school.

(e) Violated ch. 440 or 454, Stats., chs. RL 60 to 62, this chapter, or chs. BC 1 to 9.

(f) Practiced as an instructor in a school or specialty school while the person's ability to practice was impaired by alcohol or other drugs, or physical or mental disability or disease.

(g) Participated in false, misleading, or deceptive advertising on the part of any school or specialty school, or knowingly distributed or used school or specialty school student catalogs or contracts which do not comply with these rules.

(h) Engaged in conduct which evidenced a lack of knowledge or ability to apply principles or skills of barbering and cosmetology, aesthetics, manicuring, or electrology, in which the person holds an instructor's certificate.

(i) Engaged in unprofessional conduct. "Unprofessional conduct" includes, but is not limited to:

1. Engaging in any practice which constitutes a danger to the health, welfare, or safety of a student or the public.

2. Engaging in any promises or threats to any student to obtain sexual or social contact or anything of value.

3. Harassment of a student because of the student's age, race, color, creed, marital status, sex, sexual orientation, ancestry, national origin, or physical or mental disability.

4. Intentionally falsifying student records.

5. Practicing or attempting to practice beyond the scope of the instructor's certificate.

6. Having a license to practice as a barber and cosmetologist, or aesthetician, or manicurist, or electrologist limited, suspended, or revoked, or being subject to any other disciplinary action by any licensing authority regulating the practice of barbering and cosmetology, aesthetics, manicuring, or electrology.

(2) The department may reprimand the holder of an instructor's certificate, or may limit, suspend, or revoke the instructor's certificate of any person who has engaged in any conduct prohibited by this chapter.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

RL 65.13 Forfeitures to the department. In addition to or in lieu of discipline imposed against any person pursuant to s. RL 65.05, and in addition to any costs assessed pursuant to s. 440.22, Stats., the department may assess a forfeiture of not less than \$100 nor more than \$5,000 for each violation of s. RL 65.05. All forfeitures shall be paid to the department. In any case in which the department assesses both a forfeiture pursuant to this section and costs pursuant to s. 440.22, Stats., payments received by the department shall be applied first to the costs assessed.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.